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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,294	06/02/2005	Samuel Ozil	0581-1012	8090

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EXAMINER

MILLER, SAMANTHA A

ART UNIT	PAPER NUMBER
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3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/537,294

Applicant(s)

OZIL, SAMUEL

Examiner

Samantha A. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/2/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are

solved by the applicant's invention. This item may also be titled "Background Art."

- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if

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an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (I) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Rejections - 35 USC § 103

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoague (6,186,140) in view of Jensen (4,821,709).

Hoague teaches in the specification and Figs. 1-6 an invention in the same field of endeavor as applicant's invention that is described in the applicant's claims.

A. Hoague teaches:

1. A first leak tight case (134) having at least one inlet opening (at 126) suitable for sucking in said fluid, and an outlet opening (112) (col.3 ll.45-50), and also a first electrical connection passage (122); a filter cartridge (124); means (col.3 ll.50-56) for mounting the filter cartridge in association with the inlet opening of the first case (col.3 ll.50-56); an impeller (118) having at least one inlet port for sucking in said fluid contained in said first case, and an outlet orifice for delivering said sucked-in fluid (col.3 ll.45-50), said impeller having a drive motor (118) controllable via a power supply input (120) (col.3 ll.7-9); means (Fig.2) for mounting said impeller in the inside of the first case; a duct (thru 130) for connecting the outlet orifice (112) of the impeller to the outside of the first

case (134), said duct passing in leak tight manner through the outlet opening (112) of the first case (Fig.1) (col.3 ll.45-55); a second case (130); a second electrical connection passage (116) made through the wall of said second case (col.3 l.25-27); a source (404) suitable for delivering electrical energy to an output terminal (OUT1), said source being disposed in the inside of the second case (130) (col.5. ll.5-9 and 35-36); an electronic control circuit (410); means for associating the first and second cases in such a manner that the first and second electrical connection passages form a single leak proof third electrical connection passage (Fig.1) (col.3 ll.60-63); a second electrical connector for connecting a first control output of the electronic control circuit (410) to the control input of the motor (118) for driving the impeller (col.3 ll.29-31); and a third electrical connector (35) for connecting the electrical energy source to a power supply input of the electronic control circuit (410); said electronic control circuit further including an output suitable for delivering a first alarm signal (202) when the level of electrical energy delivered by said source drops below a determined threshold value (col.6 ll.35-37 and 50-58).

2. The electronic control circuit (410) is located inside the second case (130) (Fig.2 and 4) (col.4 ll.14-6).

3. A switch (col.5 l.2) mounted in leak tight manner through the wall of the first case (134) so that its control element is accessible from the outside of the first case (on 134) (col.5 ll.1-3) and its electrical control terminals (via 404 and 406) are situated in the inside of the first case (134) (col.5 ll.1-4); and a fourth

electrical connector for connecting the electrical control terminals of said switch to a control input of the electronic control circuit (410) (col.5 ll.1-10).

4. An electrical connection pin (or any mount) mounted in leak tight manner through the wall of the second case (130) (col.4 ll.15-16 and ll.25-30), the output terminals thereof being situated in the inside of said second case (130) (Fig.4) and being connected respectively to an energy feed input of said energy source (120) and to a control input (404 406) of the electronic control circuit (410) (col.4 l.64-col.5 l.10).

5. A converter controllable from a control input, said converter being suitable for transforming an electrical signal into a sound signal (202) (col.6 ll.58-63); and a fifth electrical connector for connecting the control terminal of the converter to that output of the electronic control circuit that is suitable for delivering said first alarm signal (col.6 ll.58-63).

6. The converter is situated in said duct (130) (Fig.2).

7. The converter is constituted by at least one of the following elements: a buzzer, a loudspeaker (col.6 ll.58-63).

8. The filter cartridge (124) is constituted: by a filter pellet (128) for filtering first particles of a given size, said pellet covering said inlet opening (at 126) of the first case (134) in full (Fig.5); and a cap (126) covering said pellet in such a manner that the pellet is situated between the cap and the inlet opening of the first case (134) (Fig.1), said cap including filter orifices/vents for filtering second particles of a size greater than the size of the first particles (col.3 ll.49-50).

9. The means (108) for making a fluid connection between the end (112) of said duct (130) situated outside said first case (134) with an inlet for feeding the inside of said garment (102) with fluid.

11. The means for applying said second alarm signal to the control terminal (410) of said converter (col.6 ll.58-63).

13. A switch (col.5 ll.2-3) mounted in leak tight manner through the wall of the first case (134) so that its control element (410) is accessible from the outside of the first case and its electrical control terminals (404, 406) are situated in the inside (114) of the first case (134) (col.6 ll.1-10); and a fourth electrical connector for connecting the electrical control terminals of said switch to a control input of the electronic control circuit (col.5 ll.1-7).

14. An electrical connection pin (any mount) mounted in leak tight manner through the wall of the second case (130) (col.4 ll.15-16 and ll.25-30), the output terminals thereof being situated in the inside (114) of said second case and being connected respectively to an energy feed input of said energy source (120) and to a control input (404, 406) of the electronic control circuit (410) (col.4 ll.63-67).

15. An electrical connection pin (any mount) mounted in leak tight manner through the wall of the second case (130) (col.4 ll.15-16 and ll.25-30), the output terminals thereof being situated in the inside (114) of said second case (130) and being connected respectively to an energy feed input of said energy source (120) and to a control input (404, 406) of the electronic control circuit (410) (col.4 ll.63-67).

16. The converter is constituted by at least one of the following elements:
a buzzer, a loudspeaker (col.6 ll.58-63).

B. Hoague teaches the invention as discussed above including a comparator, which determines if the filter system is operational. However, Hoague does not teach a flow meter.

C. Jensen teaches:

1. A flow meter (213) disposed inside the duct, said flow meter having an outlet suitable for delivering an electrical signal representative of the flow rate of fluid passing along the duct (col.17 ll.17-25); a first electrical connector for connecting the output of the flow meter to a first input of the electronic control circuit (287) (Fig.10) (col.24 ll.26-35);

10. A flow regulator circuit suitable for delivering a first and second alarm signal (278, 282) when the fluid flow rate in the duct varies by a determined quantity about a given nominal flow rate value (Fig.10).

12. The flow rate regulator circuit is disposed in said first case (200) (col.16 ll.67-68) (Fig.7).

17. A flow regulator circuit suitable for delivering a first and second alarm signal (278, 282) when the fluid flow rate in the duct varies by a determined quantity about a given nominal flow rate value (Fig.10).

18. The flow rate regulator circuit is disposed in said first case (200)
(col.16 ll.67-68) (Fig.7).

D. Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the ventilator of Hoague in view of the teaching of Jensen in order to provide a ventilator which will produce sufficient gas exchange to sustain full ventilation of a person without overpressurizing the persons lungs (col.3 ll.10-13).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. As listed on PTO-892.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 9:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Rinehart can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Samantha Miller
Examiner
Art Unit 3749
2/08/2007


KENNETH RINEHART
PRIMARY EXAMINER